

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Marie Encar Arnold,

Plaintiff

v.

United States of America, et al.,

Defendants

Case No. 2:25-cv-00123-CDS-NJK

**Order Granting Plaintiff's Motion for
Voluntary Dismissal and Declining to
Adopt as Moot Magistrate Judge's Report
and Recommendation**

[ECF Nos. 1, 4, 5]

Pro se plaintiff Marie Encar Arnold brings this lawsuit against defendants the United States of America, the United States Postal Service, and Sarah A. Brewer alleging violations of the Federal Tort Claims Act. Compl., ECF No. 1-2. Alongside the complaint, Arnold applied to proceed *in forma pauperis*. ECF No. 1. On February 25, 2025, United States Magistrate Judge Nancy J. Koppe reviewed Arnold's submission and issued a report and recommendation (R&R) that the application be denied. R&R, ECF No. 4. Arnold had until March 11, 2025, to file any specific written objections to the R&R. *Id.* at 2 (citing Local Rule IB 3-2 (stating that parties wishing to object to the magistrate judge's findings and recommendations must file specific written objections within fourteen days)); *see also* 28 U.S.C. § 636(b)(1) (same). Rather than object, Arnold filed a motion for voluntary dismissal without prejudice. ECF No. 5.

Federal Rule of Civil Procedure 41 allows voluntary dismissal of an action by a plaintiff without a court order if the opposing party has not filed an answer or a motion for summary judgment. In this case, no defendant has appeared. Thus, Arnold's case should be dismissed without prejudice under Fed. R. Civ. P. 41(a)(1)(A)(i). Because Arnold has voluntarily dismissed this action without prejudice, the R&R is moot.

Conclusion

IT IS THEREFORE ORDERED that the report and recommendation of the magistrate judge [ECF No. 4] is declined as moot.

IT IS FURTHER ORDERED that Arnold's application to proceed in forma pauperis [ECF No. 1] is denied as moot.

Arnold's case is dismissed without prejudice, so the Clerk of Court is kindly directed to close this case.

Dated: March 14, 2025


Cristina D. Silva
United States District Judge